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unsealed 4/1/16

FILED
MAR 10 2016
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

16MJ0701

UNITED STATES OF AMERICA,

MAGISTRATE CASE NO.

Plaintiff,

COMPLAINT FOR VIOLATION OF:

v.

Title 18 U.S.C. 2252(a)(2) -
Distribution of Images of Minors
Engaged In Sexually Explicit
Conduct

JOHN JOSEPH RUFING,

Defendant.

The undersigned Complainant, being duly sworn, states:

On or about and between May 31, 2015 to June 1, 2015, within the Southern District of California, defendant JOHN JOSEPH RUFING, did knowingly distribute visual depictions, that is digital and computer images, using any means or facility of interstate and foreign commerce and that has been mailed, shipped and transported in and affecting interstate and foreign commerce, and which contains materials which have been mailed, shipped and transported in interstate and foreign commerce, by any means including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and which visual depictions were of such conduct; in violation of Title 18, United States Code, Section 2252(a)(2).

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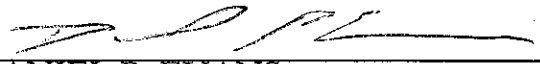
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1 And the complainant states that this complaint is based on the attached Statement
2 of Facts incorporated herein by reference.

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4 
5 DANIEL P. EVANS
6 Special Agent
7 Federal Bureau of Investigation

8 Sworn to me and subscribed in my presence this 07 day of March, 2016.

9 
10 THE HONORABLE DAVID H. BARTICK
11 UNITED STATES MAGISTRATE JUDGE

12
13 **STATEMENT OF FACTS**

14 On May 31, 2015, I used publicly available peer-to-peer file-sharing software to
15 connect to a computer that was connecting to the internet from a residence in La Mesa,
16 California. While connected to this computer, I was able to download 143 files directly
17 from the computer. A review of the downloaded files confirmed several of the files
18 contained suspect images of minors engaged in sexually explicit conduct, including the
19 following:

- 20 a. *298.jpg* – an image of a prepubescent female bending over to display her
21 vagina and anus;
22 b. *girls 0 to 5 having sex with men 1122934963924.jpg* – an image of an adult
23 male inserting his penis into the mouth of a female toddler;
24 c. *girls 0 to 5 having sex with men baby girl get lot of cum 7598756.jpg* – an
25 image of an adult male ejaculating on a nude female toddler's vagina;
26 d. *girls 0 to 5 having sex with men 12.jpg* – an image of a nude prepubescent
27 female performing oral sex on an adult male; and

1 e. *girls 0 to 5 having sex with men toddler girl suck dick 678999.jpg* – an
2 image of a nude prepubescent female performing oral sex on an adult
3 male.

4 On October 3, 2015, I received a federal search warrant for the aforementioned
5 residence in La Mesa, California.

6 On October 13, 2015, the search warrant was executed by members of the Internet
7 Crimes Against Children (ICAC) task force. During the execution of the warrant and
8 after informing him of his Miranda rights, I interviewed JOHN JOSEPH RUFING. In
9 this interview, RUFING admitted to obtaining and distributing images of minors
10 engaged in sexually explicit conduct from a computer in his residence via the same
11 peer-to-peer file sharing program I used to download the images described above.

12 Following the execution of the search warrant, media seized from RUFING's
13 residence was submitted to the San Diego Regional Computer Forensics Laboratory for
14 analysis. The results showed approximately 3,000 suspect images depicting minors
15 engaging in sexually explicit conduct on two different laptop computers seized from
16 RUFING.

17 **REQUEST FOR SEALING**
18

19 It is further respectfully requested that this Court issue an Order sealing, until
20 further order of this Court, all papers submitted in support of this complaint, including
21 the probable cause statement and arrest warrant. Sealing is necessary because
22 premature disclosure of the contents of this probable cause statement and related
23 documents may cause the defendant to flee and may cause destruction of evidence and
24 may have a negative impact of this continuing investigation.